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Notice of Allowability	Application No.	Applicant(s)	
	10/672,618	BORCHARD, JAMES A.	
	Examiner	Art Unit	
	John R Paradiso	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/3/2005 and interview 3/16/2005.
2. ☒ The allowed claim(s) is/are 1-11.
3. ☒ The drawings filed on 26 September 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>3/16/2005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S COMMENTS

Request for Continued Examination

1. The request filed on 3/18/05 for a Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/672,618 is acceptable and a CPA has been established. An action on the CPA is attached.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Eric Satermo on March 16, 2005.

3. The claims have been amended as follows:

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1. (THRICE AMENDED) A system for enclosing a load with film, the load being placed on a pallet and having a top, a bottom, and sides, the film being in the form of a sleeve having sides that define an inner space when separated, the system comprising:

a frame including a plurality of vertical members defining an inside of the frame;

a platform positioned within the inside of the frame on which the pallet is receivable;

a clamp for engaging the sides of the load independently of the pallet when the pallet is disposed on the platform so that the load can be separated from the pallet;

a rack mounted to the frame such that the rack is vertically movable between an upper position in which the rack is above the top of the load and a lower position in which the rack is below the bottom of the load when the pallet is disposed on the platform;

a pair of cross members mounted to the rack such that the cross members are horizontally movable;

engagement means mounted to the cross members for engaging the sides of the film; and

sealing means for sealing the sides of the film together when the load is separated from the pallet;

whereby the load is enclosed by performing the following procedure:

the pallet is placed on the platform;

the sides of the film are engaged with the engagement means when the rack is in the upper position;

the cross members are moved outwardly to separate the sides of film;

the rack is moved to the lower position, thereby enveloping the load within the sleeve;

the load is engaged with the clamp;

the platform is lowered to separate the load from the pallet;

the cross members are moved inwardly so that the sides of the film are brought together;

the sides of film are sealed with the sealing means;

the sides of the film are disengaged from the engagement means;

the cross members are moved outwardly; and

the platform is raised to replace the load on the pallet.

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2. (ORIGINAL) A system as claimed in claim 1 wherein the engagement means includes a plurality of vacuum ports disposed on the cross members.

3. (ORIGINAL) A system as claimed in claim 1 wherein the sealing means includes heating elements disposed on the cross members.

4. (ORIGINAL) A system as claimed in claim 1 further comprising cutting means for cutting the film, whereby the system encloses the top of the load by:
sealing the film with the sealing means at a position above the top of the load; and
cutting the film with the cutting means.

5. (THRICE AMENDED) Apparatus for sealing a load placed on a pallet with film, the load having a bottom positioned against the pallet, the apparatus comprising:
a clamping subsystem for securing the load independently of the pallet so that the pallet can be separated from the load; and
a film subsystem for enveloping at least the bottom of the load with the film when the load is secured independently of and separated from the pallet by the clamping subsystem.

6. (ORIGINAL) Apparatus as claimed in claim 5 wherein the film subsystem further seal the film below the bottom end of the load.

7. (ORIGINAL) Apparatus as claimed in claim 5 wherein the clamping subsystem includes two horizontally movable plates for clamping the load therebetween.

8. (PREVIOUSLY PRESENTED) Apparatus as claimed in claim 5 wherein the film subsystem includes:

- a vertically movable rack;
- a pair of horizontally movable cross members disposed on the rack;
- an engaging subsystem disposed on the cross members for engaging the film; and
- a sealing subsystem for forming a seal the film;

whereby the load is sealed by following the following procedure:

- the engaging system engages the film;
- the cross members are moved outwardly to define an inner space within the film;
- the rack is lowered to a position below the bottom of the load so that the film
descends over the stack of cartons and envelops the stack of cartons within
the inner space of the film;
- the clamping system secures the load independently of the pallet;
- the platform is lowered to separate the load from the pallet;
- the sealing subsystem forms a seal in the film below the bottom of the load;
- the engaging system disengages from the sides of the film;
- the cross members are moved outwardly; and
- the load is positioned on a pallet with the seal disposed therebetween by raising
the platform.

9. (ORIGINAL) Apparatus as claimed in claim 8 further comprising an injection subsystem including a compressor and an injection nozzle in communication with the compressor and disposed such that gas is injectable into the inner space of the film.

10. (ORIGINAL) Apparatus as claimed in claim 5 wherein the engaging subsystem includes a plurality of vacuum ports disposed on each of the cross members.

11. (ORIGINAL) Apparatus as claimed in claim 5 wherein the sealing subsystem includes a heat impulse bar mounted to at least one of the cross members.

Response to Arguments

4. Applicant's arguments filed 3/18/2005 have been fully considered and are persuasive.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance: the prior art could not alone or in combination anticipate or make obvious an apparatus for enclosing a load with film, the load being placed on a pallet and the film being in the form of a sleeve, with a clamping mechanism that clamps the load but not the pallet, for lifting the load from the pallet and then wrapping the load underneath once it is separated from the pallet.

The most pertinent prior art, FRANKLIN ET AL, discloses an apparatus for sealing a palletized load in a sleeve; it also discloses a clamping system, but the clamping system of FRANKLIN ET AL can not grip the load in order to separate it from the pallet, then wrapping the load underneath.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

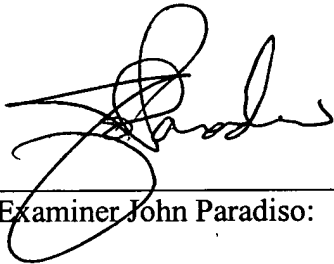
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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (571) 272-4466

March 18, 2005

Additional Phone Numbers:

Supervisor Rinaldi Rada: (571) 308-7135
Fax (Official): (703) 872-9306
Fax (Direct to Examiner) (571) 273-4466 (Drafts only)